

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q96399

Gisbert ENGEL, et al.

Appln. No.: 10/597,791

Group Art Unit: 2856

Confirmation No.: 6395

Examiner: Mark A. Shabman

Filed: August 8, 2006

For: METHOD AND DEVICE FOR CONTROLLING CLOSED PACKAGES

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action mailed November 12, 2008, Applicant provisionally elects for initial prosecution in the present application the species which the Examiner has identified as "Species 1" which is illustrated in Figs. 1-3.

All of claims 17-26 are readable on the elected species and are generic. In this regard, the Examiner will note that all of the elements recited in claims 17-26 are found in Figs. 1-3 which illustrate the elected species.

It is believed that claims 27-32 are directed to the two non-elected species.

If Examiner Shabman disagrees with the above-described correspondence of the claims with respect to the three species identified by the Examiner, he is requested to call the undersigned attorney to discuss the matter.

It is understood that, upon the allowance of the generic claim, Examiner Shabman will examine in this application the presently withdrawn claims 27-32.

If no generic claim is ultimately allowed, Applicant expressly reserves the right to file one or more divisional applications directed to the provisionally non-elected species.

Applicant files concurrently herewith a Petition (with fee) for Extension of Time of one month. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: January 7, 2009

/John H. Mion/

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